

SUPPORT FOR THE AMENDMENT

Support for newly added Claim 22 is found at Figure 1, structure 17, of the application. No new matter is believed to be introduced by the above amendment.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1, 2, 7, 8, 13, 14, and 19-21 (part of each), drawn to compounds of formula (I) with R_1 as $(CH_2)_n$ -pyrimidinyl- Y_1 , and R_6 as a group selecting from (a)-(o), (r)-(w), (cc)-(jj), (kk)-(ss), and (tt)-(bbb); their pharmaceutical compositions and methods of use; and

- Group II: Claims 1, 2, 7, 8, 13, 14, and 19-21 (part of each), drawn to compounds of formula (I) with R_1 as $(CH_2)_n$ -1,3,5-triazine- Y_1 , and R_6 as a group selected from (a)-(bbb); their pharmaceutical compositions and methods of use;
- Group III: Claims 1-21 (in part), drawn to compounds of formula (I) with R_1 as C_{1-8} alkyl; $(CH_2)_n$ - Y_2 ; $(CH_2)_n$ -phenyl- Y_1 ; $(CH_2)_n$ -pyridyl- Y_1 , and R_6 as a group selecting from (a)-(w), and (cc)-(bbb); their pharmaceutical compositions and methods of use; and
- Group IV: Claims 1, 2, 7, 8, 13, 14, and 19-21 (part of each), drawn to compounds with formula (I) with R_1 **not** as $(CH_2)_n$ -1,3,5-triazinyl- Y_1 , and R_6 as a group selected from (x), (y), (z), (aa), and (bb); pharmaceutical compositions and methods of use.

Applicants elect, with traverse, Group III, Claims 1-21 (in part), drawn to compounds of formula (I) with R_1 as C_{1-8} alkyl; $(CH_2)_n$ - Y_2 ; $(CH_2)_n$ -phenyl- Y_1 ; $(CH_2)_n$ -pyridyl- Y_1 , and R_6 as a group selecting from (a)-(w), and (cc)-(bbb); their pharmaceutical compositions and methods of use, for further prosecution.

In regard to Groups I-IV, the Office has characterized the relationship between these groups as “distinct inventions.” The Office simply suggests that “these are four independent inventions as compounds of one group can be utilized alone, and not in combination of those in the other groups.” However, the Office has not provided reasons and/or examples to support this conclusion. Therefore the Office has provided a conclusion lacking any support

whatsoever. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. The MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Applicants respectfully point out that thousands of U.S. patents have issued in which many more subclasses are searched, and the Office cannot reasonably assert that a burden exists in searching these subclasses.

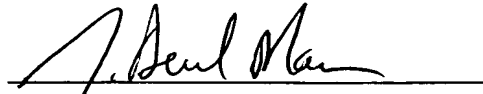
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

For the reasons set forth above, Applicants contend that the Restriction/Election of Species Requirement is improper and should be withdrawn.

Claim 22 is added. Claims 1-22 are currently pending. Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

--Claim 22 is new.--